

AMENDED IN ASSEMBLY APRIL 14, 2009

CALIFORNIA LEGISLATURE—2009—10 REGULAR SESSION

ASSEMBLY BILL

No. 1511

Introduced by Assembly Member De Leon

February 27, 2009

An act to add Article 6 (commencing with Section 32254.5) to Chapter 2 of Part 19 of Division 1 of Title 1 of the Education Code, relating to pupil safety.

LEGISLATIVE COUNSEL'S DIGEST

AB 1511, as amended, De Leon. Pupil safety: interagency strategies: *school campus prosecutors.*

Existing law, the Interagency School Safety Demonstration Act of 1985, states that the intent of the Legislature in enacting its provisions is to encourage school districts, county offices of education, law enforcement agencies, and agencies serving youth to develop and implement interagency strategies, in-service training programs, and activities that will, among other things, reduce school crime and violence. Existing law establishes the School/Law Enforcement Partnership and charges it with undertaking several efforts intended to reduce school crime, as specified.

~~This bill would state that it is the intent of the Legislature to enact legislation to authorize a governing board of a school district or county superintendent of schools to enter into a memorandum of understanding with a prosecuting city attorney's office or district attorney's office to ensure the safety of its pupils having filing jurisdiction over the school district in order to facilitate the placement of one or more prosecutors on one or more school district campuses in order to promote public safety.~~

Vote: majority. Appropriation: no. Fiscal committee: no.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. (a) *The health, safety, and welfare of the people*
2 *of California depend upon the ability to provide a proper education*
3 *for our children. Unfortunately, children simply cannot learn in*
4 *an environment that is unsafe. Strong partnerships between law*
5 *enforcement, schools, and communities are essential in ensuring*
6 *that school campuses remain safe havens that are conducive to*
7 *learning and achievement instead of serving as recruitment centers*
8 *for gangs and criminal activity. Therefore, the purpose of this act*
9 *is to enable local municipalities, local school districts, and local*
10 *law enforcement to form these strong partnerships to better provide*
11 *for the safety and security of our children.*

12 (b) *It is the criminal prosecutor's responsibility to ensure that*
13 *children feel safe in and around schools so that they can focus on*
14 *learning, and it is the educator's responsibility to provide that*
15 *learning. Although the roles of schools and law enforcement*
16 *agencies differ, the Legislature finds that there are some significant*
17 *areas of commonality. First, both schools and law enforcement*
18 *agencies are responsible for the safety and well-being of pupils.*
19 *Second, schools represent the natural centers of our communities.*
20 *Working within the schools is a logical extension of law*
21 *enforcement's responsibility for public safety in the broader*
22 *community. Third, both schools and law enforcement agencies can*
23 *play an important role in helping youth become productive,*
24 *law-abiding residents. With these complimentary roles in mind, it*
25 *is declared that the local prosecutor's office is in an ideal position*
26 *to work with the corresponding local school district to implement*
27 *strategies aimed at reversing conditions that produce and*
28 *perpetuate an unsafe school environment.*

29 (c) *A successful partnership between prosecutor and school*
30 *district has already proven successful under the toughest*
31 *circumstances. Markham Middle School, located in the Watts area*
32 *of South Los Angeles, had long been plagued by crime and gang*
33 *violence. The area surrounding the Markham campus was home*
34 *to seven criminal street gangs, and the school was widely*
35 *considered to be among the most dangerous within the Los Angeles*

1 *Unified School District. In February 2007, the Los Angeles City*
2 *Attorney partnered with the Los Angeles Unified School District*
3 *to place a prosecutor on campus. From the beginning, the city*
4 *attorney's team understood that school safety requires a*
5 *broad-based effort by the entire community, including educators,*
6 *pupils, parents, law enforcement agencies, businesses, and*
7 *community-based organizations. At the end of the first full*
8 *academic year, without any change to the teaching or the*
9 *curriculum, the city attorney, the Los Angeles Unified School*
10 *District, the Los Angeles Police Department, and the Los Angeles*
11 *School Police Department observed that:*

12 *(1) Markham was significantly safer than at any point in recent*
13 *memory.*

14 *(2) Markham's pupil standardized test scores rose for the first*
15 *time in years, going from 519 to 542, beating the academic*
16 *performance index target set by the State Department of Education*
17 *by more than 55 percent.*

18 *(3) Markham's 8th grade graduation rate increased 14 percent*
19 *from the year before, going from 66 percent to 80 percent.*

20 *(d) The Markham Middle School Safety Prosecutor Program*
21 *demonstrated that a renewed dedication to pupils in the most*
22 *underserved schools can create an environment where crime*
23 *decreases, test scores rise, and pupils once again focus on learning.*
24 *It is therefore declared that this educator-prosecutor partnership*
25 *is a hopeful model for school safety reform, and its replication*
26 *should be encouraged in other jurisdictions.*

27 *SEC. 2. Article 6 (commencing with Section 32254.5) is added*
28 *to Chapter 2 of Part 19 of Division 1 of Title 1 of the Education*
29 *Code, to read:*

30
31 *Article 6. Prosecutors on School Campuses*
32

33 *32254.5. (a) The governing board of a school district or a*
34 *county superintendent of schools may enter into a memorandum*
35 *of understanding (MOU) with a district attorney or prosecuting*
36 *city attorney having filing jurisdiction over the school district in*
37 *order to facilitate the placement of one or more prosecutors on*
38 *one or more school district campuses in order to promote public*
39 *safety.*

1 **(b)** *Participation shall be at the option of each agency. A school*
2 *district, district attorney, or prosecuting city attorney shall not be*
3 *required by the other party to enter into the MOU.*

4 **(c)** *The two agencies shall work together to develop the terms*
5 *and conditions of the MOU. The MOU shall incorporate the*
6 *conditions described in this section, and provisions deemed by the*
7 *agencies as reasonably necessary to fulfill the purpose of school*
8 *safety and to ensure compliance with the MOU and this section.*
9 *The MOU shall include, but is not limited to, the following*
10 *provisions:*

11 **(1)** *The time period for the agencies' participation in the school*
12 *safety program and the procedures for the placement of one or*
13 *more prosecutors directly onto one or more campuses under the*
14 *jurisdiction of the school district.*

15 **(2)** *The scope of work to be given to the prosecutor and how*
16 *the prosecutor is to work with the administration of the specific*
17 *school.*

18 **(3)** *A procedure for funding the school safety program that*
19 *includes, but is not limited to, declarations that the agencies have*
20 *adequate funds available to provide for the costs that arise from*
21 *placing a prosecutor on a school campus.*

22 **(4)** *Performance measures to evaluate the effectiveness of the*
23 *school safety program, including, but not limited to, annual*
24 *progress reports.*

25 **(5)** *A statement that the primary purpose of the partnership is*
26 *to promote pupil safety and that the prosecutor shall attempt,*
27 *whenever possible, to prevent problems before they escalate.*

28 **(d)** *For purposes of this section:*

29 **(1)** *"Agency" means a governing board of a school district, a*
30 *county superintendent of schools, a district attorney, or a*
31 *prosecuting city attorney.*

32 **(2)** *"School safety program" means the placement of one or*
33 *more prosecutors on one or more local school district campuses*
34 *in order to promote public safety.*

35 ~~SECTION 1. It is the intent of the Legislature intends to enact~~
36 ~~legislation to authorize a school district to enter into a~~
37 ~~memorandum of understanding with a city attorney's office or a~~
38 ~~district attorney's office to ensure the safety of its pupils.~~